

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ALANDRIS D. GRIFFIN,)	
)	
Plaintiff,)	
)	
v.)	CV422-268
)	
ANGELA M. PHILIPS, and)	
JOSEPH M. WYLIE, JR.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

The District Judge directed *pro se* plaintiff Alandris D. Griffin to clarify her intentions concerning her claims in this case. *See* doc. 52 at 7-8. Specifically, he directed her to either move to amend her First Amended Complaint or to notify the Court of her intent to proceed on the claims asserted in that pleading. *Id.* at 7. She was specifically warned that “failure to comply timely with the Court’s instructions may result in the dismissal of her case.” *Id.* at 7-8 (citing Fed. R. Civ. P. 41(b)). Her deadline to comply with the District Judge’s instructions was October 20, 2023. *See id.* at 7. Griffin has not complied with either of the District Judge’s alternative instructions. *See generally* docket.

The Federal Rules provide that “[i]f a plaintiff fails to prosecute or to comply with these rules or a court order,” an action may be dismissed. Fed. R. Civ. P. 41(b). “A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) for the plaintiff’s failure to comply with a court order.” *Royster v. Darling*, 195 F. App’x 537, 538 (8th Cir. 2006). This Court’s Local Rules authorize dismissal for “[w]illful disobedience or neglect of any order of the Court.” S.D. Ga. L. Civ. R. 41.1(b). “The district court’s power to dismiss is an inherent aspect of its authority to enforce its orders,” *Brown v. Tallahassee Police Dept.*, 205 F. App’x 802, 802 (11th Cir. 2006) (internal quotes and cites omitted), and “[d]ismissal pursuant to Rule 41(b) ‘upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.’” *Id.* (quoting *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989)). Griffins’ First Amended Complaint should, therefore, be **DISMISSED**.¹

¹ If Plaintiff wishes to pursue this case, the fourteen-day objections period, discussed below, affords her one final opportunity. If she submits either a Motion to Amend or notifies the Court of her intent to proceed on the claims asserted in her First Amended Complaint, she must also include an explanation for her failure to timely comply with the Court’s Order.

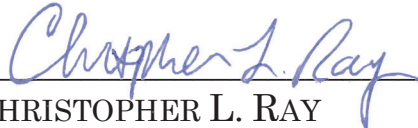
This report and recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*,

648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO ORDERED AND REPORTED AND RECOMMENDED,

this 27th day of October, 2023.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA